



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, APRIL 23, 2003**

**AGENDA**

**CITY COUNCIL SPECIAL MEETING**

**7:00 P.M.**

*A Special Meeting of the City Council is called at 7:00 P.M. for the Purpose of Conducting City Business.*

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**7:00 P.M.**

**PRESENTATION**

County-wide Green Business Program  
*Carol Berg, Santa Clara County*

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
1.	10 Minutes	<b><u>POLICY REGARDING USE OF PROPERTY ADJACENT TO COMMUNITY PARK</u></b> .....	1
		<b><u>Recommended Action(s): Consider</u></b> Policy and <b><u>Direct</u></b> the City Manager to do Everything Necessary and Appropriate to Implement the Council's Policy Direction.	

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**



**CITY COUNCIL STAFF REPORT**  
**MEETING DATE: April 23, 2003**

**POLICY REGARDING USE OF PROPERTY ADJACENT TO COMMUNITY PARK**

**RECOMMENDED ACTIONS:**

Consider policy and direct the City Manager to do everything necessary and appropriate to implement the Council's policy direction.

**EXECUTIVE SUMMARY:** Recently, the City has received two requests to use the City-owned, vacant property adjacent to Community Park (Gunderson Property) for private uses. The two requests are from a circus and a carnival. In the past, the City has allowed the use of the property by non-profits. As long as the organizations met the requirements as identified in the City's special event permit, they were allowed to use the property. The requirements address such issues as business license, insurance, security, and nominal rental fee of \$500 per day.

Although the circus and carnival are for-profit organizations, they have indicated that they are willing to partner with a local non-profit and to meet the City's special event permit requirements. However, there is no Council policy governing this type of use on non-park property. Before we commit to the circus and/or carnival, we are seeking direction on how to proceed. Specifically, some questions for consideration include:

- Should we allow any uses of the property? With the development of the indoor recreation center, the property would not be available for events in the near future.
- Should we only allow uses which benefit local non-profits and follow the current process? In the past, the Mushroom Mardi has been allowed to use the property for parking. Under this scenario, the circus and carnival would be allowed to rent the property as long as they benefit a local non-profit and meet the special event permit requirements.
- Should we allow for-profit uses as long as they meet the special event permit requirements and pay a market rental rate? We did ask the circus if they would be willing to pay \$5,000 per day in rental fees. They responded they normally only pay \$500 per day, but they would be willing to partner with a local non-profit and meet the special event permit requirements.

We believe the risk assessment issues can be adequately addressed by the permit requirements. However, we need direction as to how to best regulate the use of the property.

**FISCAL IMPACT:** The potential users would generate a rental fee and pay costs to cover clean-up and security for the event per the special event permit process.

Agenda Item #

Submitted By:

BAHS Director

Approved By:

City Manager